

REMARKS/ARGUMENTS

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested.

The applicant and the undersigned wish to thank Examiner Trieu for the courtesies extended during the interview of October 18, 2005. The amendments discussed during the interview are presented above and the arguments made are repeated herein for the record.

At the outset, it is respectfully submitted that the finality of the August 11, 2005 Official Action was premature. In this regard, in the January 25, 2005 Official Action, independent claim 4 was rejected as anticipated by Ehamnn. In the May 18, 2005 response, claim 4 was not amended. Instead, arguments were presented challenging the rejection of claim 4. In the August 11, 2005 Official Action, independent claim 4 was newly rejected based on JP '493 and the Ehamnn rejection was not repeated. Because the August 11, 2005 Official Action included a new rejection of independent claim 4 and that rejection was not necessitated by any amendment to claim 4 (because claim 4 was not amended in the prior response), the rejection of claim 4 could not be made final. Because the rejection of claim 4 could not be made final, the Examiner's entire Action should have been non-final and all amendments supported by the disclosure should be entered as a matter of right. It is therefore respectfully requested that the finality of the August 11, 2005 Official Action be withdrawn and that all amendments presented above be entered.

Claims 2-4, 7, 8, and 11-17 remain pending.

Claims 2, 14 and 15 were rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the written description requirement.

As explained during the interview, several of the Figures presented with this application depict a cross-sectional view wherein it can be seen that the discharge

groove and the outlet are entirely on one axial side of the plurality of vanes (see e.g., Figure 3 and several other similar depictions in the Figures). This is also clear from the disclosure at page 10, lines 5-7. It is understood that the Examiner had some questions regarding the location of "an axial side" of the plurality of vanes and, therefore, as agreed during the interview, claim 2 has been revised above to refer to "an axial side of the rotor chamber". The rotor chamber was already characterized in claim 2 as circular or ellipsoidal so that an axial side thereof will be well understood. A corresponding insertion referencing by way of example Figures 2 and 3 has been added to the specification at page 10. No new matter has been added because no more has been added than that which was shown in and understood from the original Figures. Although an amendment to the specification has been made with particular reference to Figures 2 and 3, as noted above, several example embodiments are disclosed wherein the discharge groove and outlet are entirely on one axial side of the rotor chamber, so that this limitation is not to be limited to the embodiment of Figures 2-3.

Claims 2, 14 and 15 were rejected under 35 U.S.C. 102(b) as being anticipated by Linder. Applicant respectfully traverses this rejection.

As noted in the May 18, 2005 response, Linder does not teach or suggest the discharge groove and outlet entirely on one axial side of the plurality of vanes (rotor chamber). Indeed, as seen in Linder, the discharge groove and outlet are provided radially of the rotor chamber and not entirely on one axial side thereof. Furthermore, Linder discloses an outlet that extends at 90° to the rotor axis, not parallel thereto. In this regard, as is well understood in the art, parallel refers to being everywhere equidistant and not intersecting. Although the axis of the outlet of Linder does not intersect the rotor axis, these axes are not everywhere equidistant from one another, so they do not extend in parallel. Therefore, claim 2 is not anticipated nor obvious from Linder and should be allowed over Linder together with the claims dependent therefrom.

Claim 4 was rejected under 35 U.S.C. 102(b) as being anticipated by JP '493. Applicant respectfully traverses this rejection.

As recited in claim 4, the outlet of the claimed assembly extends in parallel to the rotor axis. The outlet as disclosed in JP '493 (reference number 8) extends at 90° to the rotor axis and does not extend in parallel thereto. Therefore, it is believed that this feature of claim 4 is not met by JP '493. Furthermore, claim 4 has been revised above to recite more specifically that the offset of the outlet wall with respect to the end wall of the discharge groove defines a step as depicted by way of example in Figure 19, thereby even more clearly distinguishing the claimed invention from the assembly disclosed and depicted in JP '493. As agreed during the interview, claim 4 is thus not anticipated by JP '493 and should be allowed.

Claim 8 was rejected under 35 USC 102(b) as anticipated by JP '094 or JP '493. With respect to JP '094, each of the "outlet portions" depicted in JP '094 has an axis that extends at 90° to the rotor axis. Thus, JP '094 does not teach or suggest an outlet portion extending parallel to the rotor axis, so that claim 8 is not anticipated by JP '094.

With respect to JP '493, since claim 8 has been amended to include the feature of the final paragraph of claim 2, claim 8 is allowable for at least the same reasons as claim 2.

Applicant notes with appreciation the Examiner's indication that claims 3, 7, 11-13, 16 and 17 are allowed.

For all the reasons advanced above it is respectfully submitted that all pending claims are allowable over the applied art and an early Notice of Allowance is solicited.

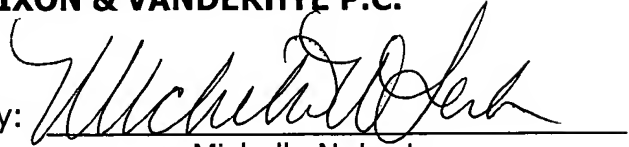
All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and an early Notice to that effect is earnestly solicited.

KANO et al.
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Respectfully submitted,

NIXON & VANDERHYE P.C.

By:

A handwritten signature in black ink, appearing to read "Michelle N. Lester", written over a horizontal line.

Michelle N. Lester
Reg. No. 32,331

MNL:slj
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100